UNITED STATES PATENT AND TRADEMARK OFFICE

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EXAMINER
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ART UNIT	PAPER NUMBER
2167	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

Office Action Summary

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>19 January 2009</u>.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>37-45 and 56-64</u> is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) <u>37-45 and 56-64</u> is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
        1.☐ Certified copies of the priority documents have been received.
        2.☐ Certified copies of the priority documents have been received in Application No. _____.
        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

Detailed Action

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set forth in

37 CFR 1.17(e), was filed in this application after final rejection. Since this application is

eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e)

has been timely paid, the finality of the previous Office action has been withdrawn pursuant to

37 CFR 1.114. Applicant's submission filed on 1/19/09 has been entered.

Status of claims

2.   Claims 37-45 and 56-64 are pending.

3. Claims 37-45 and 56-64 have been examined.

Specification

4.   The title of the invention is not descriptive. A new title is required that is clearly

indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 112

5.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and
> distinctly claiming the subject matter which the applicant regards as his invention.

6.   Claim 37 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for

omitting essential steps, such omission amounting to a gap between the steps. See MPEP

§ 2172.01. The omitted steps are: What comprises an enhanced web index is omitted.

Claim Rejections - 35 USC § 103

7.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or
> described as set forth in section 102 of this title, if the differences between the subject
> matter sought to be patented and the prior art are such that the subject matter as a whole
> would have been obvious at the time the invention was made to a person having ordinary
> skill in the art to which said subject matter pertains. Patentability shall not be negatived
> by the manner in which the invention was made.

8.   Claims 37-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S.

Patent Application Publication 2002/0091671 by Prokoph (hereafter Prokoph) further in

view of U.S. Patent 6571239 by Cole et. al. (hereafter Cole).

<u>Claim 37 :</u>

Prokoph discloses the following claimed limitations:

"receiving user queries;"[0034 lines9-12, the search service 200 is coupled to indexer

206, which allows the client to issue search queries 212 against the search index 207.

Accordingly, receiving user queries (client to issue search queries).]

"searching an enhanced web index of documents with user queries; and"[0034 lines9-12,

the search service 200 is coupled to indexer 206, which allows the client to issue search queries

212 against the search index 207. 0034 lines 2-6, an indexer 206 is coupled to the temporary

document store 205 and decomposes the document extract 210 into a set of tokens, e.g. words,

keywords, that are then stored together with their positional information in a search index 207.

Accordingly, searching an index of documents (207) with user queries (212).]

Prokoph further discloses an enhanced web index (figures 2 element 207)

Prokoph does not explicitly disclose "adding information from at least some of said user queries to said index"

On the other hand, Cole discloses this in figure 2 elements 201, 245, 250, and 255. Col. 4 lines 63-67-Col. 5 lines 1-2, if the user enters a response which indicates satisfaction, the first query stored is parsed into keywords. Each keyword is associated with an object, and optionally, statistics of date usage are updated for each association. Under Alternative A, the Master Index is updated with theses associations directly.

Accordingly, disclosing adding information (parsed keywords) from at least some of said user queries (first query) to said index (index).

Both Prokoph and Cole are within applicant's same field of endeavor. It would have been obvious to a person of an ordinary skill in the art to have applied the disclosure above of Cole to the disclosure of Prokoph for the purpose of keeping the index provided in Prokoph updated with current usage of query terms. Thereby improving Prokoph's system. In other words, Prokoph discloses indices that associate keywords or terms with documents or other objects. As recognized by Cole, on col. 1 lines 16-18. Therefore, by updating the keyword

index with words from queries, it alleviates the problem of queries provided by an audience of

users that change due to current events, changing fashion, etc.

Claim 38 :

The combination of Prokoph and Cole disclose in Cole "wherein said adding comprises

associating queries with documents retrieved by a search engine."[Figure 1. col. 3 lines 8-9, the

queries are passed to a receiver 105. Col. 3 lines 15-19, Under Alternative A, the receiver passes

the query to a search Engine which matches the query against the (modified) keyword Index.

The keywords in the keyword index are associated with one or more objects in the repository.

Accordingly, wherein said adding comprises associating queries (queries/keywords) with

documents (objects) retrieved by a search engine (search engine)]

Claim 39 :

The combination of Prokoph and Cole disclose in Cole "wherein said associating comprises

determining which of said retrieved documents to associate with said queries and determining

which queries to associate with said retrieved documents."[Col. 1 lines 20-24, if the query

matches one or more keywords in the index, the data objects associated with those keywords, or

a description of these objects, such as a hitlist of titles, thumbnails, etc. , are retrieved from the

repository and returned to the search engine. Accordingly, wherein said associating comprises

determining which of said retrieved documents (objects) to associate with said queries

(queries/keywords) and determining which queries (queries/keywords) to associate with said

retrieved documents (objects).]

Claim 40 :

The combination of Prokoph and Cole disclose in Cole "wherein said adding comprises listing a

term in a query and the number of times that term is associated with a document." [Col. 4 lines

63-67-Col. 5 lines 1-2, if the user enters a response which indicates satisfaction, the first query

stored is parsed into keywords. Each keyword is associated with an object, and optionally,

statistics of date usage are updated for each association. Under Alternative A, the Master Index

is updated with theses associations directly. Col. 4 lines 18-20, how long to keep associations

between keywords and data objects either in the master keyword index in alternative A or in the

auxiliary index in alternative B. Accordingly, wherein said adding comprises listing a term in a

query (master Index is updated with theses associations) and the number of times (how long to

keep) that term (keyword) is associated with a document (associations between keywords and

data objects)]

Claim 41 :

The combination of Prokoph and Cole disclose in Cole "wherein said adding comprises ranking

queries associated to documents." [Col. 4 lines 63-67-Col. 5 lines 1-2, if the user enters a

response which indicates satisfaction, the first query stored is parsed into keywords. Each

keyword is associated with an object, and optionally, statistics of date usage are updated for each

association. Under Alternative A, the Master Index is updated with theses associations directly.

Col. 4 lines 18-20, how long to keep associations between keywords and data objects either in

the master keyword index in alternative A or in the auxiliary index in alternative B. Accordingly,

wherein said adding (index updated) comprises ranking queries associated to documents (sorts

associations)]

Claim 42 :

The combination of Prokoph and Cole disclose in Cole "wherein said ranking comprises ranking

said queries according to frequency of usage."[Col. 4 lines 23-25, sorts associations from oldest

to newest and from lowest to highest frequency. Accordingly, ranking comprises ranking said

queries (sorts associations) according to frequency of usage (frequency of usage)]

Claim 43 :

The combination of Prokoph and Cole disclose in Cole "wherein said ranking comprises ranking

said queries according to time of usage." [Col. 4 lines 23-25, sorts associations from oldest to

newest and from lowest to highest frequency. Accordingly, wherein said ranking comprises

ranking said queries (sorts associations) according to time of usage (oldest to newest)]

Claim 44 :

The combination of Prokoph and Cole disclose in Cole "wherein said adding comprises updating

said index with at least some of said ranked queries." [Col. 4 lines 23-25, sorts associations from

oldest to newest and from lowest to highest frequency. Col. 4 lines 44-45, associations are then

added to either the master Index. Accordingly, wherein said adding comprises updating said

index (associations are then added to either the master Index) with at least some of said ranked

queries (sorts associations)]

Claim 45 :

The combination of Prokoph and Cole disclose in Cole "wherein said updating comprises

filtering out lowly ranked queries."[Col. 4 lines 50-51, if yes, the most deletable association is

deleted to make room. Accordingly, wherein said updating comprises filtering out lowly ranked

queries (the most deletable association is deleted)]

9.   Claim 56-62 and 64 are rejected under 35 U.S.C. 103(a) as being unpatentable over

U.S. Patent Application Publication 2002/0091671 by Prokoph (hereafter Prokoph) further

in view of U.S. Patent 6571239 by Cole et. al. (hereafter Cole) and U.S. Patent Application

Publication 2003/0208482 by Kim et. al. (hereafter Kim)

Claim 56 :

Prokoph discloses the following claimed limitations:

"receiving user queries;" [0034 lines9-12, the search service 200 is coupled to indexer

206, which allows the client to issue search queries 212 against the search index 207.

Accordingly, receiving user queries (client to issue search queries).]

"searching an enhanced web index of documents with said user queries;" [0034 lines9-

12, the search service 200 is coupled to indexer 206, which allows the client to issue search

queries 212 against the search index 207. 0034 lines 2-6, an indexer 206 is coupled to the

temporary document store 205 and decomposes the document extract 210 into a set of tokens,

e.g. words, keywords, that are then stored together with their positional information in a search

index 207. Accordingly, searching an enhanced web index of documents (207) with user queries

(212).]

"associating terms in said user queries with documents said terms were used to retrieve;

and"[0034 lines9-12, the search service 200 is coupled to indexer 206, which allows the client to

issue search queries 212 against the search index 207. 0034 lines 2-6, an indexer 206 is coupled

to the temporary document store 205 and decomposes the document extract 210 into a set of

tokens, e.g. words, keywords, that are then stored together with their positional information in a

search index 207. Accordingly, associating (issue search queries against the search index) terms

in said user queries (client issues search query) with documents (documents) said terms were

used to retrieve (issue search queries against the search index)]

Prokoph further discloses "wherein said enhanced web index containing document information

and text, metadata" [Prokoph 0034, indexer 206 is coupled to the temporary document store 205

and decomposes the document extract 210 into a set of tokens, e.g. words, keywords, that are

stored together with their positional information in a search index 207, which forms the basis for

the actual search engine. Accordingly disclosing "wherein said enhanced web index" (search

index) "containing document information" (words) "and text" (keywords) ", metadata."

(together with their positional information).]

Prokoph does not explicitly disclose "adding said terms to an index with which said

documents were retrieved."

On the other hand, Cole discloses this in figure 2 elements 201, 245, 250, and 255. Col. 4

lines 63-67-Col. 5 lines 1-2, if the user enters a response which indicates satisfaction, the first

query stored is parsed into keywords. Each keyword is associated with an object, and optionally, statistics of date usage are updated for each association. Under Alternative A, the Master Index is updated with theses associations directly.

Accordingly, disclosing adding said terms (keywords) to an index (index) with which said documents were retrieved (object).

Both Prokoph and Cole are within applicant's same field of endeavor. It would have been obvious to a person of an ordinary skill in the art to have applied the disclosure above of Cole to the disclosure of Prokoph for the purpose of keeping the index provided in Prokoph updated with current usage of query terms. Thereby improving Prokoph's system. In other words, Prokoph discloses indices that associate keywords or terms with documents or other objects. As recognized by Cole, on col. 1 lines 16-18. Therefore, by updating the keyword index with words from queries, it alleviates the problem of queries provided by an audience of users that change due to current events, changing fashion, etc.

However, the combination of Prokoph and Cole do not explicitly disclose wherein said enhanced web index including "anchor text".

On the other hand, Kim discloses indexer 26 extracts the anchor text from the anchor text and link database 24 parses the keywords from the web page database 14 and generates an indexed database. Accordingly, a web index (indexed database) including anchor text (anchor text).

Prokoph, Cole, and Kim all are directed to indexing systems for searching for electronic

documents. It would have been obvious to a person of an ordinary skill in the art to have applied

Kim's disclosure to the combination of Prokoph and Cole for the purpose of providing more

relevant searches by providing more relevant indices. Kim 0014 discloses inbound links to a

page help to assess the importance of the page. Because some of the imbound links originate

from authors other than the one who wrote the page being considered, they tend to give a more

objective measure of the quality or importance of the pages. By making a link to other page, the

author of the originating link endorses the destination page.

Claim 57 :

The combination of Prokoph, Cole, and Kim disclose in Prokoph "indicating how

frequently said terms occurred in said documents" [0012, number of occurrences of each search

term is determined. Accordingly, indicating how frequently (number of occurrences) said terms

(term) occurred in said documents (document).]

The combination of Prokoph, Cole, and Kim disclose in Cole, col. 4 lines 15-17, number

of sessions associated with keywords, to indicate the frequency of use. Accordingly, disclosing

indicating how frequently (frequency) said terms (keywords) occurred in user queries (sessions).

Prokoph, Cole, and Kim are within applicant's same field of endeavor. It would have

been obvious to a person of an ordinary skill in the art to have applied the disclosure above of

Cole to the disclosure of Prokoph and Kim for the purpose of keeping the index updated with

current usage of query terms. As recognized by Cole, on col. 1 lines 54-58. Therefore, by

updating the keyword index with words from queries, it alleviates the problem of queries

provided by an audience of users that change due to current events, changing fashion, etc.

Claim 58 :

The combination of Prokoph, Cole, and Kim disclose in Cole "wherein said user queries

comprise a portion of the queries used in a session to find a selected document"[Figure 2 and

col. 4 lines 15-17, number of sessions associated with keywords, to indicate the frequency of use.

Accordingly, wherein said user queries (query) comprise a portion of the queries used in a

session (matched keywords) to find a selected document (object)]

Claim 59 :

The combination of Prokoph, Cole, and Kim disclose in Cole "wherein said user queries

comprise a first query of a session to find a selected document"[Figure 2 and col. 4 lines 15-17,

number of sessions associated with keywords, to indicate the frequency of use. Accordingly,

wherein said user queries (query/keyword) comprise a first query (first query) of a session

(session) to find a selected document (object)]

Claim 60 :

The combination of Prokoph, Cole, and Kim disclose in Cole "wherein a document associated

with a query comprises the document selected by said user"[col. 3 lines 49-51, the end of a

session can also be explicitly indicated by a user response, in which the user marks objects as

relevant or irrelevant at the user interface. Accordingly, wherein a document (object) associated with a query (query) comprises the document selected by said user (user marks objects)]

Claim 61 :

The combination of Prokoph, Cole, and Kim disclose in Cole "wherein a document associated with a query comprises the document browsed to by said user as a result of a query"[col. 3 lines 49-51, the end of a session can also be explicitly indicated by a user response, in which the user marks objects as relevant or irrelevant at the user interface. Accordingly, wherein a document (object) associated with a query (query) comprises the document browsed to by said user as a result of a query (user marks objects)]

Claim 62 :

The combination of Prokoph, Cole, and Kim disclose in Prokoph "wherein documents associated with a query comprise the higher ranked documents produced from a query."[0008, wherein documents (documents) associated with a query (query) comprise the higher ranked documents (documents on a result list can be scored in an order which represents their relevance to the query…"relevancy ranking") produced from a query (query).]

Claim 64:

The combination of Prokoph and Cole disclose in Prokoph 0034, indexer 206 is coupled to the temporary document store 205 and decomposes the document extract 210 into a set of tokens,

e.g. words, keywords, that are stored together with their positional information in a search index 207, which forms the basis for the actual search engine. Accordingly disclosing "wherein said enhanced web index" (search index) "includes at least document information" (words) "and text" (keywords) ", metadata." (together with their positional information)

However, Prokoph and Cole do not explicitly disclose including "anchor text".

On the other hand, Kim discloses indexer 26 extracts the anchor text from the anchor text and link database 24 parses the keywords from the web page database 14 and generates an indexed database. Accordingly, a web index (indexed database) including anchor text (anchor text).

Prokoph, Cole, and Kim all are directed to indexing systems for searching for electronic documents. It would have been obvious to a person of an ordinary skill in the art to have applied Kim's disclosure to the combination of Prokoph and Cole for the purpose of providing more relevant searches by providing more relevant indices. Kim 0014 discloses inbound links to a page help to assess the importance of the page. Because some of the imbound links originate from authors other than the one who wrote the page being considered, they tend to give a more objective measure of the quality or importance of the pages. By making a link to other page, the author of the originating link endorses the destination page.

10.   **Claims 63 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication 2002/0091671 by Prokoph (hereafter Prokoph) and U.S. Patent**

6571239 by Cole et. al. (hereafter Cole), U.S. Patent Application Publication 2003/0208482 by Kim et. al. (hereafter Kim) further in view of U.S. Patent Application Publication 2004/0261021 by Mittal et. al. (hereafter Mittal).

<u>**Claim 63 :**</u>

The combination of Prokoph, Cole, and Kim do not explicitly disclose "wherein said user queries are in a language other than the language of a selected document"

On the other hand, Mittal discloses, abstract, queries can be expressed using character sets and/or languages that are different from the character set and/or language of at least some of the data that is to be searched. Accordingly, wherein said user queries (queries) are in a language (using language) other than the language of a selected document (languages that are different from the language of at least some of the data that is searched) is disclosed.

Prokoph, Cole, Kim and Mittal are all directed towards document search and therefore all are within the same field of endeavor as applicant's invention. It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to have applied Mittal's disclosure above to the combination of Prokoph and Cole for the purpose of allowing various devices to utilize the benefits of the search indices. Devices such as mobile phones would be too tedious for query entry, and further typing in different languages using an ASCII keyboard also would be tedious and slow see 0006 and 0018 of Mittal. Accordingly, by allowing different languages to be entered in as queries, it allows for an improvement in the over all search process.

Response to Arguments

11.   Applicant's arguments with respect to claims 37-45 and 56-64 have been considered but

are moot in view of the new ground(s) of rejection.

Applicant's assert the following with regard to the cited references.

A. Applicant's assert that Mittal is not prior art because it has a filing date of

September 30, 2003 which is not more than a year before the December 22, 2003 filing date

of the application. That while Mittal is described as a continuation-in-part application of

earlier filed applications, the Examiner has not demonstrated that the relied on disclosure

from Mittal is entitled to teh earlier filing date and was disclosed in the earlier application.

Hence it may not be utilized in any rejection.

In response, the filing date is September 29, 2003 which is clearly prior to December 22, 2003.

Applicant's are directed to MPEP 706.02(b), where it recites in part:

A rejection based on 35 U.S.C. 102(e) can be overcome by:

> *(A) Persuasively arguing that the claims are patentably distinguishable from the prior art;*

> *(B) Amending the claims to patentably distinguish over the prior art;*

> *(C) Filing an affidavit or declaration under 37 CFR 1.132 showing that the reference invention is not*
> *by "another." See MPEP § 715.01(a), § 715.01(c), and § 716.10;*

> *(D) Filing an affidavit or declaration under 37 CFR 1.131 showing prior invention, if the reference is not a*
> *U.S. patent or a U.S. patent application publication claiming the same patentable invention as defined in 37 CFR*
> *41.203(a). See MPEP § 715 for more information on 37 CFR 1.131 affidavits. When the claims of the reference*
> *U.S. patent or U.S. patent application publication and the application are directed to the same invention or are*
> *obvious variants, an affidavit or declaration under 37 CFR 1.131 is not an acceptable method of overcoming the*
> *rejection. Under these circumstances, the examiner must determine whether a double patenting rejection or*
> *interference is appropriate. If there is a common assignee or inventor between the application and patent, a double*
> *patenting rejection must be made. See MPEP § 804. If there is no common assignee or inventor and the rejection*

under 35 U.S.C. 102(e) is the only possible rejection, the examiner must determine whether an interference should be declared. See MPEP Chapter 2300 for more information regarding interferences;

(E) Perfecting a claim to priority under 35 U.S.C. 119(a)-(d) within the time period set in 37 CFR 1.55(a)(1) or filing a grantable petition under 37 CFR 1.55(c). See MPEP § 201.13. The foreign priority filing date must antedate the reference and be perfected. The filing date of the priority document is not perfected unless applicant has filed a certified priority document in the application (and an English language translation, if the document is not in English) (see 37 CFR 1.55(a)(3)) and the examiner has established that the priority document satisfies the enablement and description requirements of 35 U.S.C. 112, first paragraph; or

(F) Perfecting benefit under 35 U.S.C. 119(e) or 120, within the time periods set in 37 CFR 1.78(a) or filing a grantable petition under 37 CFR 1.78(a), by amending the specification of the application to contain a specific reference to a prior application or by filing an application data sheet under 37 CFR 1.76 which contains a specific reference to a prior application in accordance with 37 CFR 1.78(a), and by establishing that the prior application satisfies the enablement and written description requirements of 35 U.S.C. 112, first paragraph. See MPEP § 201.11 and § 706.02.

B. Applicant's assert that Prokoph is not relevant to the claimed invention because he does not deal with web indices, citing paragraph 6 and stating that it teaches away. That Prokoph does not teach "searching an enhanced web index." Stating that he does not address web indices, so he does not obviously teach updating them. Stating that Web index is explained in paragraph 2 of the application. That claim 36 and 56, the web index is supplemented with query words. Thus these query words become part of the web index and will more readily identify the relevant document when future queries are made with this language.

In response, the examiner respectfully disagrees. A web index is disclosed by Prokoph.

Paragraph 2 of applicant's specification states that "search engines are known. They are part of every database and of every index. Databases typically store information "rom one business, in set records. Indices are an itemizing of data found in places. For example, Google.com and Altavista periodically index the pages of the world wide web to create web indices." In other words, the web index is an itemized collection of world wide web pages.

In regards to Paragraph 6 of Prokoph, it is disagreed that Prokoph teaches away. Paragraph 6 is a discussion of the problems of indexing the entire internet, which is the storage requirements and the quality of retrieval of documents. Paragraph 7 of Prokoph further discloses indexing of web pages. There is nothing in regards to paragraph 6 in Prokoph that teaches away from indexing web pages. In fact in the next paragraph, paragraph 7, there is a description of indexing web pages.

C. Applicant's assert that Cole does not disclose a web index but instead a keyword index. Then goes on to state that Cole's respository 115 would be the web index. And thus does not disclose "adding information from at least some of said user queries to said enhanced web index"

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See In re Keller, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); In re Merck & Co., 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

A web index is disclosed as asserted above in regards to Prokoph. Prokoph discloses that the web pages are collected by a web crawler and processed so that their contents can be stored in a fulltext index. That the process is basically to build a list of keywords and thier references to documents in which they were found; that is keywords and positional information allowing the system to locate an indexed keyword or token within the processed documents. It therefore would have been obvious to a person of an ordinary skill in the art to have provided

Cole's disclosure of modifying an index with the user's queries for the purpose of allowing

queries provided by users to change relatively rapidly in response to current events, changing

fashion, and other vagaries of public interest. In doing so, Cole's disclosure adds to Prokoph's

solution to obtain more relevant documents relative to time.

Conclusion

12.   The prior art made of record listed on PTO-892 and not relied, if any, upon is considered

pertinent to applicant's disclosure.

Contact Information

13.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Michael D. Pham whose telephone number is (571)272-3924.

The examiner can normally be reached on Monday - Friday 9am - 5:00pm.

        If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John R. Cottingham can be reached on 571-272-7079. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

        Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/M. P./   /John R. Cottingham/
Examiner, Art Unit 2167   Supervisory Patent Examiner, Art Unit
                                                             2167